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July 11, 2022

***VIA EMAIL***

Dr. Earthea Nance  
Administrator, Region 6  
United States Environmental Protection Agency  
1201 Elm Street  
Dallas, TX 75270  
Email: Nance.Earthea@epa.gov

**Re: Meeting Request concerning Matagorda Ship Channel Dredging, Alcoa Superfund Site and Max Midstream**

Dear Dr. Nance:

Thank you again for your visit to Port Lavaca, Texas on March 17 to meet with community stakeholders and scientists about the proposed Matagorda Ship Channel dredging project. We would like to schedule a follow-up meeting with you and your staff, as we have new information to share.

Since our last meeting, the Army Corps Galveston District and EPA Region 6 have agreed that it is necessary to conduct additional sediment sampling of the mercury-impacted sediments within the project footprint. We are glad that this additional sampling will be conducted and look forward to reviewing the sampling plan once it is available.

We believe that the sampling results must be included in a Supplemental Environmental Impact Statement (EIS) and be made available for public review and comment. Stakeholders have a right to know the potential impacts of the project and agencies should not move forward with construction before the environmental consequences have been fully evaluated. The Corps is preparing to advertise the first dredging contract within the next few months. We respectfully urge EPA to go on record and recommend that the Corps complete a Supplemental EIS before awarding any construction contracts.

We have requested EPA's intervention on Texas Commission on Environmental Quality's (TCEQ) recent issuance of minor New Source Review permit 162941, which authorizes a significant expansion of Max Midstream Texas, LLC's Seahawk Crude Terminal located in Point Comfort, Texas. The undersigned groups have raised serious concerns about the air permit and the Terminal's capacity to emit above major source thresholds. TCEQ denied our requests for a contested case hearing and issued the permit on April 8, 2022. We request that EPA write a letter clarifying that Texas may not use its state-law contested case hearing process to limit our access to judicial review of TCEQ's air permitting decisions.



On a positive note, a nest of Kemp's ridley sea turtle eggs and hatchlings was found on Magnolia Beach on June 13, 2022. The nesting location is on the southern shore of Matagorda Bay as shown in the figure below. The Kemp's ridley sea turtle is the official state sea turtle of Texas and is critically endangered. This remarkable event underscores the ecological significance of Matagorda Bay and the importance of the habitat it provides. The turtle nest was located just 100 yards away from the Army Corps' dredged material placement area and constitutes new information that should be evaluated in a Supplemental EIS.

We request a follow-up meeting with you this summer. Time is of the essence, as the Corps is preparing to solicit the first of four dredging contracts in the coming months, before the project's risks to the Alcoa Superfund remedy, public health, fisheries, environmental justice communities, and climate change have been fully evaluated.

Sincerely,



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